

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

GORDON JOHNSON,

Plaintiff,

v.

MILWAUKIE CITY HALL, ANGELA
BRADENBURG, JOHN D. WENTWORTH,
ANDREW ELLIOT, MARYANNE MEANIE,
ALEX FLETCHER, CLACKAMAS INDIGENT
DEFENSE CORPORATION, KYLE SCOTT,
DAVID FOOLADJOUSH, DEPUTY SLINGER,
MILWAUKIE POLICE DEPARTMENT,
CLACKAMAS COUNTY JAIL, and JANE E.
VETO,

Defendants.

Case No.: 3:23-cv-01979-JR

ORDER

Adrienne Nelson, District Judge

United States Magistrate Judge Jolie A. Russo issued a Findings and Recommendation in this case on July 2, 2025, recommending that this Court grant in part and deny in part plaintiff's motion for leave to amend. No party has filed objections. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

A district court judge may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If any party files objections to a magistrate judge's proposed findings and recommendations, "the court shall make a de novo determination of those portions of the report." *Id.* No standard of review is prescribed for portions of the report for which no objections are filed, and no review is required in the absence of objections. *Thomas v. Arn*, 474 U.S. 140, 152-54 (1985). A district judge is not, however, precluded from *sua sponte* review of other portions of the report, under a *de novo* standard or otherwise. *Id.* at 154. The Advisory Committee notes to Federal Rule of Civil Procedure 72(b) recommend that unobjected to proposed findings and recommendations be

reviewed for "clear error on the face of the record." Fed. R. Civ. P. 72(b) advisory committee's note to 1983 amendment.

Because no party in this case has made objections, this Court reviews Judge Russo's Findings and Recommendation for clear error on the face of the record. Finding no such error, the Court ADOPTS Judge Russo's Findings and Recommendation, ECF [55], in full. Plaintiff's Motion for Leave to File Third Amended Complaint, ECF [52], is GRANTED in part and DENIED in part. The motion is GRANTED as to plaintiff's Eighth Amendment claim, except to the extent asserted against Angela Brandenburg, Clackamas County, and Clackamas County Sheriff's Office, and as to plaintiff's state law tort claims. The motion is otherwise DENIED.

IT IS SO ORDERED.

DATED this 29th day of August, 2025.



Adrienne Nelson
United States District Judge